

OLC RECORD COPY

OLC - 78 - 5123/A

WASHINGTON, D.C. 20505

Legislative Counsel

20 SEP 1978

pkg file in DOD

Brigadier General William W. Maurer
Deputy Assistant to the Secretary
of Defense
Washington, D.C. 20301

Dear General Maurer:

Your 13 September request to process special compartmented security clearances for Robert V. Davis, Staff of the House Committee on Appropriations is approved. A valid need for access has been demonstrated.

It is our understanding that your office will initiate security processing with the appropriate office in the Department of Defense. When a favorable adjudication is made in accordance with paragraph G of the Director's guidelines on compartmented clearances, Mr. Davis will be eligible to receive special compartmented security clearance as required.

Sincerely,

FS

Frederick Hitz

Attachment

Distribution:

Org - Addressee

1 - OS/I&CB

1 - OLC Subject

1 - OLC Chrono

OLC;RJK:sks(18 September 78)

GUIDELINES AND PROCEDURES FOR THE ISSUANCE
OF COMPARTMENTED CLEARANCES TO
THE LEGISLATIVE BRANCH

At the direction of the Director of Central Intelligence, to centralize the issuance of compartmented access approvals to the Legislative Branch, including staff employees of Congress, and employees of the General Accounting Office and the Library of Congress, thereby assuring the uniform and strict application of need-to-know and personnel security criteria, and to provide for an accurate, up to date, centralized record of holders of such approvals, the following guidelines and procedures are established effective immediately.

A. The DCI's Legislative Counsel shall serve as the Intelligence Community focal point for assuring the proper exercise of need-to-know pertaining to access by employees of the Legislative Branch to intelligence maintained and controlled within the SI, TK [] systems of compartmentation. The DCI's Legislative Counsel, acting on behalf of the DCI, shall oversee the processing of all such requests and shall validate the need-to-know. The DCI's Director of Security shall review such requests to assure proper uniform application of security criteria for access under the provisions of DCID 1/14.

25X1

B. All requests received by departments and agencies to grant employees of the Legislative Branch access to intelligence controlled within the SI, TK [] systems of compartmentation will be submitted by the recipient with its decision, to the DCI's Legislative Counsel for review and concurrence. Requests must clearly describe the nominee's need-to-know. Issues arising in regard to particular requests will be referred to the Director of Central Intelligence for resolution.

25X1

C. All requests for approvals of access to intelligence controlled within any system of compartmentation for any employees of the General Accounting Office or the Library of Congress will be submitted to the DCI's Legislative Counsel and will be personally approved by the DCI. Such requests must be at the direction of a Congressional committee and by letter from the committee chairman to the department or agency involved, fully stating the Congressional requirement.

D. Access to compartmented information will be approved only for permanent staff persons of Congressional committees designated by committee or subcommittee chairmen, and to selected Members of the Leadership staffs as designated by the President and President Pro-Tempore of the Senate, the Speaker of the House of Representatives and the Majority and Minority Leaders of both Houses respectively. Personal staff of Members of Congress shall not be granted compartmented clearances.

E. The following criteria will be used to establish need-to-know:

1. Direct involvement in authorization legislation pertaining to Intelligence Community agencies;
2. Direct involvement in appropriations legislation for Intelligence Community agencies;
3. Direct involvement in reviews authorized by law of activities of Intelligence Community agencies;
4. Direct involvement in oversight responsibilities carried out by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence;
5. Direct involvement in other legislative matters which of necessity require direct access to compartmented intelligence.

In most cases, the need for substantive intelligence can be fulfilled without disclosing the source or method of acquisition. Therefore, every effort will be made to satisfy Congressional requirements for information by providing noncompartmented or sanitized material which does not reveal the manner of collection or acquisition. Direct access to compartmented information will not be approved unless sanitization or the provision of noncompartmented information is shown to be inadequate to meet the Congressional requirement.

F. Access approvals will be valid only so long as they are necessary, and approvals granted for particular requirements will be terminated when those requirements have been met. All approvals will be included in the central data base maintained by the Special Security Center under the direction of the DCI's Director of Security.

G. All persons, excluding Members of Congress, granted access to compartmented intelligence information shall have been the subject of a prior investigation meeting the criteria set forth in DCID 1/14. Security investigations of Congressional staff persons may be conducted under agreed upon arrangements with chairmen of committees or subcommittees, as appropriate. Investigations generally will be conducted by the Department of Defense, the FBI, or the Civil Service Commission, depending upon the particular arrangements made. The agency or department sponsoring the clearance will assume responsibility for assuring the conduct of an appropriate investigation. Security determinations made by sponsoring agencies or departments will be reviewed by the DCI's Director of Security to assure the proper uniform application of security criteria under DCID 1/14.

H. No materials controlled within a system of compartmentation will be provided to any Legislative Branch requester for retention without the approval of the DCI's Legislative Counsel and unless maintained in storage facilities which meet prescribed physical security requirements and are so certified by the Special Security Center.



Director of Central Intelligence

21 July 1978

Date